April 11, 2025

Ms. Marlene Dortch
Secretary
Federal Communications Commission
45 L Street SE
Washington, DC 20554

Submitted electronically at https://www.fcc.gov/ecfs.

Re: **Delete, Delete, Delete (GN Docket No. 25-133)**

Thank you for the opportunity to comment on the Federal Communication Commission ("FCC") Public Notice to alleviate unnecessary regulatory burdens. We support the FCC's efforts to conduct a review and seek stakeholder feedback on which rules under the agency's purview may disproportionately negatively impact small businesses or can be eliminated, improved, and revisited.

The National Automobile Dealers Association ("NADA") represents over 16,000 franchised dealers in all 50 states who market, sell, service, and repair new and used cars and trucks. NADA's American Truck Dealers division includes over 3,300 members, who market, sell, service and repair medium and heavy-duty trucks. Our members collectively employ over one million people nationwide.

I. Clarify the Applicability of the Telephone Consumer Protection Act to Text Messages

One of the areas that has caused the greatest concern for businesses, and where the Commission's interpretations have been most harmful to consumers and contrary to Congressional intent, is the Commission's interpretation that text messages fall under the Telephone Consumer Protection Act ("TCPA"). In a 2003 interpretation, the Commission held that the TCPA's restrictions "encompasses both voice calls and text calls to wireless numbers, including for example, short message service (SMS) calls."[1] The Order summarily deems text messages to be phone calls under the TCPA without much discussion or reasoning.

[1] 2003 TCPA Order at 101

Applying the TPCA to text messages is inappropriate since text messages did not even exist in 1991 when the TCPA was adopted.[2] The TCPA was enacted to combat abusive telephone calls, and the same concerns do not exist with respect to text messages.[3] If the Commission believes text messaging should be incorporated in the TCPA, it should seek specific legal authority from Congress.

Dealers use text messaging to communicate with a customer about important information regarding their current or future vehicle. This includes communications about service appointments, trade ins, and sales. It is important that any rule or statute placing restrictions on what text messages can be sent and to whom focuses on consumer harm and current technology. The Commission should clarify the scope of the TCPA to rebalance the law and protect legitimate business practices.

II. Separate Consent Should Not be Required for Artificial Intelligence Generated Calls

The FCC issued a proposed rule on using Artificial Intelligence ("AI") robocalls and robotexts in October 2024.[4] The proposed rule would require callers to obtain separate consent to receive robocalls or robotexts from humans and robocalls or robotexts that are AI generated.

If the proposed rule were enacted as written, it would require multiple disclosures—one to consent to receiving robocalls and robotexts from humans and a separate disclosure to consent to receiving AI generated robocalls and robotexts. This additional disclosure would be burdensome for dealers and confusing for customers. NADA recommends if the FCC proceeds with this rule, it does not require separate consent for robocalls and robotexts that are generated by AI.

III. TCPA Consent Revocation Rule

NADA appreciates the recent announcement that delayed the revoke-all call consent provision by one year to April 11, 2026.[5] As the Commission stated, the requirement could cause modifications to calling systems that may take longer to implement. If an entity sends

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[2] The first SMS message was sent on December 3, 1992, https://www.history.com/this-day-in-history/december-3/first-sms-text-message-sent

[3] *See* S. Rep. 102-178 at 1-2 (1991) (stating that the purpose of the TCPA is to "plac[e] restrictions on unsolicited, automated telephone calls to the home" and noting complaints regarding telemarketing calls); H.R. Rep. No. 102–317 at 6-7 (1991) (citing telemarketing abuse as the primary motivator for legislative action leading to the TCPA).

[4] 89 Fed. Reg. 73321 (September 10, 2024)

[5] https://docs.fcc.gov/public/attachments/DA-25-312A1.pdf

multiple categories of messages to a consumer, a revocation made in response to a call or text from one business unit must be interpreted and processed as applying across all business units within that entity—even if the consumer did not intend such a broad revocation. This obligation would be burdensome for small businesses like dealerships.

In additional updates, the rule could also clarify that a revocation applies only to the specific program or category of message the consumer responded to. This clarity would alleviate operational complexity and give consumers more precise control over the types of calls and messages they wish to stop receiving versus those they wish to continue.

The Commission should modify this rule to narrow the definition of what qualifies as a "reasonable" method for a consumer to revoke consent. The current definition of "reasonable" methods is too broad and encompasses too many ways to revoke consent that are challenging to implement for automated systems. Instead, the Commission should clarify that callers may designate simple and specific mechanisms for consumers to revoke consent, ensuring that revocation requests are received, routed and honored efficiently.

IV. Conclusion

We appreciate the FCC taking action to promote policies and seek input on identifying rules to alleviate unnecessary burdens. Dealerships ensure that communications with customers are ethical and legal. Creating a more predictable regulatory environment will be important to meeting those goals. NADA looks forward to working with the FCC on this de-regulatory initiative to create clarity for dealerships and other small businesses across the United States.

/s

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